

*United States Court of Appeals  
for the Second Circuit*



**APPENDIX**



**76-2099**

To be argued by  
PHYLIS SKLOOT BAMBERGER

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

LEONARD SHELTON,

Petitioner-Appellant,

-against-

LARRY TAYLOR, WARDEN AND  
MAURICE SIGLER, CHAIRMAN,  
UNITED STATES BOARD OF PAROLE,

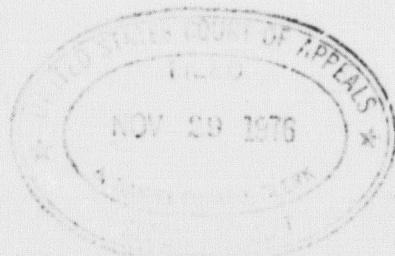
Respondents-Appellees.

Docket No. 76-2099

B  
pls

APPENDIX TO APPELLANT'S BRIEF

ON APPEAL FROM AN ORDER  
OF THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK



WILLIAM J. GALLAGHER, ESQ.,  
THE LEGAL AID SOCIETY,  
Attorney for Appellant  
LEONARD SHELTON  
FEDERAL DEFENDER SERVICES UNIT  
509 United States Court House  
Foley Square  
New York, New York 10007  
(212) 732-2971

PHYLIS SKLOOT BAMBERGER,  
Of Counsel.

PAGINATION AS IN ORIGINAL COPY

DIST/OFFICE	DOCKET YR.	NUMBER	FILING DATE MO. DAY YEAR	J	N/S	O	R	R 23	S	DEMAND OTHFR	JUDGE NUMBER	JURY DEM.	YR	DOCKET NUMBER
208-1	75	5121	10 16 75	2		530	1				0855		75	5121

PLAINTIFFS

DEFENDANTS Knapp, J.

SHELTON, LEONARD

TAYLOR, LARRY- Warden, Metro-  
 politan Correctional Center  
 SIEGLER, MAURICE- Chairman,  
 United States Board of Parole

8/18

CAUSE

Petition for writ of habeas corpus.

rg

## ATTORNEYS

The Legal Aid Society-Federal  
 Defender Services Unit  
 U.S. Courthouse, Foley Sq.  
 New York, N.Y. 10007

CHECK  
HERE  
IF CASE WAS  
FILED IN  
FORMA

OCT 16 1975

DATE

FILING FEES PAID

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD

DATE MAILED

JS-5

08-08-76

DATE	NR.	PROCEEDINGS
10-16-75(1)		Filed Petition for writ of habeas corpus.
10-16-75(2)		Filed ORDER TO SHOW CAUSE- re: petition for writ of habeas corpus, w/st ret: 10-28-75. Knapp, J.
10-22-75(3)		Filed Petitioner's memorandum of law in support of a petition for writ of Habeas corpus.
10-29-75(4)		Filed U.S.A's memorandum of law in opposition to petition for habeas Corpus.
11-03-75(5)		Filed Order that pursuant to rule 17(b), Fed. R.C.P. a subpoena to be issued upon William Edwards 2901 Clinton Street Camden, New Jersey 08105, the costs incurred by the process & fees of the witness so subpoenaed shall be paid in the same manner in which similar costs & fees are paid in cases of witnessed subpoenaed on behalf of the Govt. A certified copy of the order is to be furnished to the U.S marshal. Knapp, J. m/n
11-06-75(6)		Filed Order, that the Warden of the Metropolitan Correctional Center 150 Park Row, N.Y., retain the custody of petitioner at that institution until further order of this court or until the release of petitioner on parole pursuant to a final decision of the United States Board of Parole whichever shall occur earlier. Knapp, J.
10-28-75(7)		Filed Order that the Warden of the Metropolitan correctional center produce the petitioner Leonard Shelton before this court on Oct. 28-1975, at 4:14 p.m. in room 1105 of the US Court house Foley Square, N.Y. Knapp, J. 10/14
1-10-75(8)		Filed True copy of order of writ of habeas corpus filed 10-28-75.
2-08-75(9)		Filed Petitioner's reply memorandum of law.
2-08-75(10)		Filed supplemental affidavit of P.S. Bamberger in support of petition for writ of habeas corpus.
1-09-76 (11)		Filed Writ of Habeas Corp. Ad Testificandum for Leonard Shelton 12-16-75 Writ satisfied. Knapp, J.
1-15-76 (12)		Filed Petitioner's supplemental memorandum of law.
3-04-76 (13)		Filed Opinion # 44919...Accordingly, we must deny Shelton's request for relief and dismiss the petition. So Ordered. Knapp, J.
8-18-76 (14)		Filed Petitioner's notice of appeal to the U.S.C.A from order dated 8-3-76. Mailed copies to U.S.Attorney & Warden, Metropolitan Correctional Center. (Leave to proceed on appeal in forma pauper is hereby granted. Werker, J.)



# The United States Board of Parole

Washington, D.C. 20537

## Certificate of Parole

Know all men by these presents:

It having been made to appear to the United States Board of Parole that

Leonard Shelton

Register No. 34195-133, a prisoner in

the U.S. Penitentiary, Lewisburg, Pa.

is eligible to be PAROLED, and that there is a reasonable probability that he WILL REMAIN AT LIBERTY WITHOUT VIOLATING THE LAWS, and it being the opinion of the said United States Board of Parole that the release of this person is not incompatible with the welfare of society, it is ORDERED by the said United States Board of Parole that he be PAROLED on November 23, 1970,

and that he remain within the limits of District of New Jersey until

June 12, 1971; or in the event of a committed fine or a committed fine and costs, until the same have been paid or he has been discharged under the provisions of Section 3569, Title 18, U.S. Code, or until other action may be taken by the said United States Board of Parole.

Given under the hands and the seal of the United States Board of Parole

this 20th day of November, nineteen hundred and Seventy

UNITED STATES BOARD OF PAROLE,

By

James R. Paegler  
Parole/Youth Division Executive

[SEAL]

BEST COPY AVAILABLE

ADVISER

PROBATION OFFICER C. Alexander Rheiner, CUSPO, Newark, N.J.

This CERTIFICATE OF PAROLE will become effective on the date of release shown on the reverse side. If the parolee's continuance on parole becomes incompatible with the welfare of society, or if he fails to comply with any of the conditions listed on the reverse side, he may be retaken on a warrant issued by a Member of the Board of Parole, and reimprisoned pending a hearing to determine if the parole should be revoked.

### CONDITIONS OF PAROLE

1. You shall go directly to the district shown on this CERTIFICATE OF PAROLE (unless released to the custody of other authorities). Within three days after your arrival, you shall report to your parole adviser if you have one, and to the United States Probation Officer whose name appears on this Certificate.
2. If you are released to the custody of other authorities, and after your release from physical custody of such authorities, you are unable to report to the United States Probation Officer to whom you are assigned within three days, you shall report instead to the nearest United States Probation Officer.
3. You shall not leave the limits fixed by this CERTIFICATE OF PAROLE without written permission from the probation officer.
4. You shall notify your probation officer immediately of any change in your place of residence.
5. You shall make a complete and truthful written report (on a form provided for that purpose) to your probation officer between the first and third day of each month, and on the final day of parole. You shall also report to your probation officer at other times as he directs.
6. If in any emergency you are unable to get in touch with your parole adviser, or your probation officer or his office, you shall communicate with the United States Board of Parole, Department of Justice, Washington, D.C. 20537.
7. You shall not violate any law. You shall get in touch immediately with your probation officer or his office if you are arrested or questioned by a law-enforcement officer.
8. You shall not enter into any agreement to act as an "informer" or special agent for any law-enforcement agency.
9. You shall work regularly unless excused by your probation officer, and support your legal dependents, if any, to the best of your ability. You shall report immediately to your probation officer any changes in employment.
10. You shall not drink alcoholic beverages to excess. You shall not purchase, possess, use, or administer marihuana or narcotic or other habit-forming or dangerous drugs, unless prescribed or advised by a physician. You shall not frequent places where such drugs are illegally sold, dispensed, used or given away.
11. You shall not associate with persons who have a criminal record unless you have permission of your probation officer. Nor shall you associate with persons engaged in criminal activity.
12. You shall not have firearms (or other dangerous weapons) in your possession without the written permission of your probation officer, following prior approval of the United States Board of Parole.

I have read, or had read to me, the foregoing conditions of parole. I fully understand them and know that if I violate any of them, I may be recommitted. I also understand that special conditions may be added or modifications of any condition may be made by the Board of Parole at any time.

*Leonard Shelton*  
Leonard (Name) Shelton

34195-133

(Register No.)

WITNESSED *E. Klemanski*

E. Klemanski  
Secretary

(Title)

November 23, 1970

(Date)

### UNITED STATES BOARD OF PAROLE:

The above-named person was released on the 23rd day of November 1970, with a total of 2,393 days remaining to be served.

*Noah L. Allred*  
Noah L. Allred  
(Warden/ Superintendent)

BEST COPY AVAILABLE

UNITED STATES DEPARTMENT OF JUSTICE

United States Board of Parole

WASHINGTON, D.C. 20537

B



*Cepst*

WARRANT

To Any Federal Officer Authorized To Serve Criminal Process Within the United States:

WHEREAS, Leonard Shelton #A-34195-NE was sentenced by the United States District Court for the New Jersey District of to serve a sentence of 10 years, months, and days for the crime of Bank Robbery.

and was on the 23rd day of November, 1970, released on parole from the United States Penitentiary, Lewisburg, Pennsylvania, with 2,393 days remaining to be served.

AND, WHEREAS, reliable information has been presented to the undersigned Member of this Board that said paroled prisoner named in this warrant has violated parole;

Now, THEREFORE, this is to command you to execute this warrant by taking the above-named, wherever found in the United States, and hold him in your custody until he has been afforded a preliminary interview with a person designated by the Board of Parole, and until authorized to transport him as ordered.

WITNESS my hand and the seal of this Board this 23rd day of July, 1971.

*Curtis C. Crawford*  
Member, U.S. Board of Parole.

## DETAINER

Warden  
Essex County Jail  
Newark, N. J.

UNITED STATES MARSHAL

Anthony T. Greski, U. S. MarshalPost Office Building, Newark, N. J.

C

Date: July 20, 1971

Re: Leonard Shelton, A-34195-18

Violation of Parole

We have a warrant/commitment for the above-named defendant who is reported to be in your custody.

Please place a detainer against this person for us, and advise this office of the release date in order that a deputy United States Marshal may be present to take him in custody on our writ.

If this subject is transferred from your custody before release to us is possible, please let us know the place of confinement and send this detainer on with your papers in the case.

Please acknowledge receipt of this detainer on the carbon copy attached and return same to me in the enclosed self-addressed envelope.

Thank you very much for your cooperation.

## RECEIPT

Date Detainer Placed: 7-20-71Signed: ATGEarliest Release Date: 7-20-71

Very truly yours,

Anthony T. Greski

United States Marshal

By \_\_\_\_\_  
FBI - Newark

NOTE: Special instructions apply when this detainer is based on a warrant issued by the U. S. Board of Parole. If there is a check mark in the following space, please follow the instructions on the reverse hereof.

cc: Bd. of Parole  
Violation  
U.S. Attorney

DETAINER

Sent to Trenton  
Dec 22, 1971

STATE PRISON, TRENTON  
Trenton, N.J. 08625

LL

DAY arrested July 19, 1971

DATE: January 11, 1972

July 23, 1971 got issued for Violation

CENTER  
RECORDS SECTION  
MRS. RABINOWITZ  
MR. THOMS - RAILWAY  
✓ INMATE

PLEASE BE INFORMED THAT A DETAINER HAS BEEN LODGED AGAINST

NAME: Leonard SHELTON NUMBER: 51241

1 Fed. Det. - Violation of Parole - Newark, NJ

U.S. Marshal  
P.O. Bldg.  
Newark, NJ

Leonard Shelton

SENIOR CLASSIFICATION OFFICER

Det. ual

A

UNITED STATES DEPARTMENT OF JUSTICE  
United States Board of Parole  
Washington

Summary By Case Analyst  
DISPOSITIONAL REVIEW

I. Name: Donald Shulter

No. on Warrant: 34195-133  
Current Reg. No.: 51241

E

II. Original Sentence Data:

Offense: Bank Robbery

Length of Sentence: 10 years (begin: 10/13/67)

Date and Type of Release: 1/1/71 (initial) 11/23/72

Warrant Issued: 7/23/77

Charges on Warrant Application: Amend Robbery

Days Remaining to be Served: 2343

Original Expiration of Term: 6/12/77

III. Current Sentence Data:

Offense: Robbery

Date and Jurisdiction of Conviction: 13/12/71 Englewood, NJ

Length of Current Sentence: 6 to 8 yrs

Place of Current Custody: Att. C. Prison - Trenton, NJ

Current Parole Status: Eligible 3/9/77

Tentative Release Date: 6/12/77

IV. Nature of Request: Wants probation time to run concurrently with present term.

V. Pertinent Prior Record: Dates back to when he was 14; most offense of an aggressive nature (A+B of Robberies); has previously invalidated both probation + parole; now serving 7<sup>th</sup> confinement.

VI. Pertinent Social Factors: Age 32, low frustration tolerance; acts out impulsively; drinks impulsively, to bolster ego of courage & th. cycle violent; high avg. intelligence; 3 marriage failures; personality disturbance.

VII. Additional Factors: Just 6 months of present state term indicates self-taking advantage of parole offer. However, he also made good adjustment to local contacts.

VIII. Recommendation:

Not detain in stand

Rudolph  
(Analyst) (Examiner)

6/7/72  
Date

April 7, 1972

Karden  
New Jersey State Prison  
Leesburg, New Jersey 08327

RE: SHELTON, Leonard  
Reg. No. 34195-133  
State No. 51241; E Unit

Dear Sir:

The above named individual who is presently serving sentence in your institution is wanted by this office as a Parole violator.

The U.S. Board of Parole issued a violator warrant on July 23, 1971.

In order that his case may be reviewed in this office, will you please furnish us with a report on his progress and adjustment. Also advise if he is scheduled to appear before your Parole Board, and if so, when. If his case has been acted on advise us of the results, and whether or not a release date has been set.

Sincerely yours,

JAMES R. PACE  
Parole Executive

By:

STANLEY B. KRUGER  
Case Analyst

SAC/eph

cc: Leonard Shelton  
New Jersey State Prison  
#51241; E Unit  
Leesburg, New Jersey 08327

T for  
6/18/72

BW  
4/7/72

EXHIBIT F(1)



State of New Jersey

STATE PRISON, LEESBURG  
LEESBURG, N. J. 08327

RECEIVED  
MAY 15 1972  
U. S. BOARD OF PAROLE

May 10, 1972

~~CCW~~  
~~CCW~~

G

James R. Pace  
Parole Executive  
United States Board of Parole  
Washington, D.C. 20537

Re: SHELTON, Leonard  
Reg. No. 34195-133  
State No. 51241; E Unit

Dear Sir:

The above named inmate, who is presently incarcerated in this institution, is serving a term of 6-8 years for Robbery. His earliest parole eligibility date as a second offender is March 9, 1974.

Shelton was received in the New Jersey Prison System on 12-22-71, and was transferred to Leesburg on 2-24-72. Subject is presently working in our clothing industry, and is considered to be a very satisfactory worker. Shelton is presently an active member of the A.A. chapter at this institution, and has also applied for the college program offered at Leesburg. An overall evaluation of this man's adjustment at Leesburg State Prison is excellent.

If I can be of further assistance to you, please direct your correspondence to me.

With best wishes, I remain

Sincerely yours,

Paul B. Jenkins  
Classification Officer

✓

EXHIBIT F(2)

Parole Form 11-4  
(Rev. Jan. 1972)

## UNITED STATES DEPARTMENT OF JUSTICE

United States Board of Parole

Washington, D.C. 20537



## Order

Name ..... LEONARD SHELTON .....

Register Number ..... 34195-133 .....

Institution .....

In the case of the above-named, the Board (or its Youth Correction Division) in its offices in Washington, D.C. has carefully examined all the information at its disposal and the following action with regard to parole, parole status, or mandatory release status is hereby ordered:

Warrant issued July 23, 1971.

Conditions or remarks: .....

United States Board of Parole:

Date ..... *July 23, 1971*

Conditions or remarks: .....

United States Board of Parole:

Date June 18, 1972

Conditions or remarks: .....

United States Board of Parole:

Date .....

\* U.S. GOVERNMENT PRINTING OFFICE: 1971-O-447-753

EXHIBIT F(4)

United States Department of Justice

United States Board of Parole

Washington, D.C. 20537

April 20, 1973

Warden  
New Jersey State Prison  
B - Unit  
Leesburg, New Jersey 08827

Re: SHELTON, Leonard  
Reg. No. 34195-133  
State No. 51241

Dear Sir:

The above named individual who is presently serving sentence in your institution is wanted by this office as a violator.

The U.S. Board of Parole issued a violator warrant on July 23, 1971.

In order that his case may be reviewed in this office, will you please furnish us with a report on his progress and adjustment. Also, advise if he is scheduled to appear before your Parole Board, and if so, when. If his case has been acted on advise us of the results, and whether or not a release date has been set.

Sincerely,  
STEVE D. JOHNSTON  
Parole Executive

BY:

STANLEY B. KRUGER  
Case Analyst

CSK:gtf

cc: Mr. Leonard Shelton  
New Jersey State Prison  
Leesburg, New Jersey 08827

FILE  
AT



~~STORY~~

U.S. MAIL  
JUN 21 1973  
U.S. DEPARTMENT OF JUSTICE

State of New Jersey  
STATE PRISON, LEESBURG  
LEESBURG, N. J. 08827

May 17, 1973

Mr. Steve D. Johnston, Parole Executive  
United States Department of Justice  
United States Board of Parole  
Washington, D.C. 20537

RE: SHELTON, Leonard  
Reg. #34195-133  
NJSP #51241

Dear Sir:

Please be advised that the above named inmate was received at State Prison, Trenton on 12-22-71 and is serving a term of 6-8 years for robbery. Shelton was transferred to State Prison Leesburg on 2-24-72. Subject is scheduled to appear before the New Jersey State Parole Board in February of 1974.

Since Shelton's arrival at this institution, he has been assigned to work in the State Use Clothing Industry. His performance in this area has been exceptionally good. His behavior and attitude both on the job and in the institution on a whole, has been very satisfactory. He has committed only one infraction of the rules since being incarcerated.

In June, 1973, Shelton enrolled in the Mercer County Community College Program at this institution. His academic performance has been satisfactory and he has received passing grades in all courses taken. Subject hopes to complete all requirements for his associate degree before release from New Jersey.

Based on my knowledge of this man from personal observation and interview, I would term his overall progress and adjustment here as excellent.

With Best wishes, I remain

Very truly yours,

Paul W. Jenkins  
Classification Officer

BEST COPY AVAILABLE

PDJ:jc

UNITED STATES DEPARTMENT OF JUSTICE  
United States Board of Parole  
Washington

Summary By Case Analyst  
DISPOSITIONAL REVIEW

I. Name: Loren Shilton

No. on Warrant: A-39195-NF-  
Current Reg. No.: same

II. Original Sentence Data:

Offense: Bank Robbery

Length of Sentence: 10 years

Date and Type of Release: 1/1/70 parole

Warrant Issued: 7/23/71

Charges on Warrant Application: Armed Robbery

Days Remaining to be Served: 2393

Original Expiration of Term: 6/14/77

III. Current Sentence Data:

Offense: Robbery

Date and Jurisdiction of Conviction: 12/22/71 Essex Co. N.J.

Length of Current Sentence: 6-8 years

Place of Current Custody: Livingston, NJ

Current Parole Status: on probation for review in 2/74

Tentative Release Date: ?

IV. Nature of Request:

Mrs. Shilton has written us requesting that we dispose  
of our warrant and determine

V. Pertinent Prior Record:

orphan, A/B, f/g, B/C

VI. Pertinent Social Factors: raised by parents and paternal grandmother, the father  
was very strict and the parents marriage suffered from constant interference  
by the grandmother; Mr. Shilton did not have a favorable relationship w/ his  
parents; 9/29/60-married-disabled by fist; 3/1/69-married-a 15 year old girl;

VII. Additional Factors: first husband, a married male; 1/2/69-married-a citizen; Mr.  
Shilton has history of sexual promiscuity & has multiple affairs.

VIII. Recommendation: a community college program.

Let the warrant & sentence stand.

GL  
(Analyst) (Examiner)

5/24/73  
Date

U. S. DEPARTMENT OF JUSTICE  
United States Board of Parole  
Washington, D.C. 20537



Order

Name ..... LEONARD SHELTON  
34195-133

Register Number..... 354-066-D.....FBI No.....

Institution ..... State Prison, Leesburg, New Jersey

In the case of the above-named, the Board (or its Youth Correction Division) in its offices in Washington, D.C. has carefully examined all the information at its disposal and the following action with regard to parole, parole status, or mandatory release status is hereby ordered:

Warrant issued July 23, 1971

Conditions or remarks: Let the Detainer Stand

United States Board of Parole:

*R.J. Holcomb*  
*Robert J. Kead*

Date JUN 11 1973

Conditions or remarks:

United States Board of Parole:

Date

Conditions or remarks:

United States Board of Parole:

Date

RECEIVED  
JUN 18 1973  
U.S. BOARD OF PAROLE

DOB: State no 31241  
Leesburg N.J. 085

Steve D. Johnson  
Parole Executive  
U. S. Board of Parole,  
Washington, D.C. 20537

Dear Sir:

R-2  
Add: We regret our reply cannot  
be of a more favorable  
nature.

(u  
6/26/77)

I received your answer concerning  
the board's decision:

Unfortunately for me there seems to  
be a very grave misunderstanding on  
your part.

I would not be silly enough to  
ask for the federal detainer dropped,  
from your answer that appeared  
to be the only subject covered.

I merely asked about a concurrent  
sentence in which I would do my  
maximum sentence which would still  
leave me time to do at Lewisburg as  
well as the fact the detainer I would  
still be lodged against me.

I am trying and succeeding  
in doing something for myself ✓  
Yours,

EXHIBIT F(9)

I can't understand why a concurrent sentence wasn't discussed in view of the fact that I am getting a college education and wish to complete it. The way it stands now it will probably be paroled back to Lewisburg next year with very little to look forward to in life, but a mean-spirited job of hard labor once I return to society instead of what would or could be a position in community affairs or working as a welfare assistance with prestige and something to be proud of.

I can understand fully a man having to do time for a crime but when it comes to the boarderline of over-punishment it makes one wonder about the fairness in the system. I write this letter in concern over my future, my mental health, as well as the sincerity in my last letters. Please don't do this to

July 2, 1973

Mr. Leonard Shelton  
Fed. No. 34195-133 State No. NJSP 51241  
State Prison, Leesburg  
Leesburg, New Jersey 08327

Dear Mr. Shelton:

This acknowledges your recent letter to the Board concerning the status of your case.

Please be assured that the Board has considered carefully the information in your letter, but has determined that no favorable action be taken at this time. Your letter will again be reviewed by the Board at the time of any future review.

We regret our reply cannot be of a more favorable nature.

Sincerely yours,

*Steve D. Johnston*

STEVE D. JOHNSTON  
Parole Executive

SDJ/hr

EXHIBIT F(10)

OMB Project K16

Leonard Skelton  
#51241 E-unit

F-1

Leesburg, N.J. 08337  
12/15/73

Dear Sir:

R.V.P.

11/17/74

A critical point in my life that can determine a bright or bleak future will confront me this coming February. As it stands now one of two possibilities will develop; paroled to Federal Detention or a review date. In my previous letters I have stressed the importance of obtaining a degree, but I would not wish to do my separation date knowing I still have six years to do if a parole violation. I am more than willing to ask the Parole Board here at Leesburg (could I complete my full sentence) in order to give the reward of a College education, than not asking the Federal Parole Board to drop the Detainee, but to consider a concurrent retroactive sentence. I would do about 5 years off the present 6-8 years, but I would also have a Bachelor Degree and Associate of Science Degree. The fact that I can be returned to Leesburg possibly on parole from here and knowing that my education will stop is a depressing reality. The foolish crimes I have done is a part of the past, and my outlook now focuses on the future and I am optimistic. My motives, goals and incentives are quite different since enrolling in college. A positive effect on my thinking that is about, and one particular course called Human Behavior has had a lot to do with

my changing attitude.

I so strongly feel that I am justified in writing this letter as well as the previous ones, because I want an education and its in my grasp, but if returned to Lewisburg without completing my goal a stagnation is apparent since Lewisburg offers no college degrees. On conclusion of all asking again for consideration. This would enable me to complete the junior college program and enter Masboro State College which has a program here.

If a decision cannot be reached by February, any type of reassurance would be enough for me to explain and ask the Panel Board here at Leesburg for my expiration date.

A answer to this letter by February would be deeply appreciated.

Sincerely, Yours  
Leonard Shelton

Fed. No. 34195-133

January 18, 1974

Mr. Leonard Shelton  
Reg. No. 34195-133 State No. NJSP 51241  
E Unit  
State Prison  
Leesburg, New Jersey 08327

Dear Mr. Shelton:

This acknowledges your recent letter to the Board concerning the status of your case.

Please be assured that the Board has considered carefully the information in your letter, but has determined that no favorable action be taken at this time. Your letter will again be reviewed by the Board at the time of any future review.

Sincerely yours,

STEVE D. JOHNSTON  
Parole Executive

SDJ/hr

BEST COPY AVAILABLE

EXHIBIT F(12)

*Freeman Project*

RECEIVED

MAY 17 1974

May 14, 1974

U.S. BOARD OF PAROLE

Mr. Steve Johnston, Parole Executive  
United States Department of Justice  
United States Board of Parole  
Washington, D.C. 20537

Leonard Shelton  
Fed. No. 34195-133  
State No. 51241  
State Prison, Leesburg  
Leesburg, New Jersey 08327

Dear Mr. Johnston:

I understand my case will be reviewed in June, 1974.  
With that in mind, could you please send a request to this  
institution for a report on my progress and adjustment.

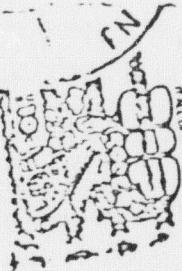
Respectfully submitted,

*Leonard Shelton*

LEONARD SHELTON

Q

EXHIBIT F(13)



COMMUNITY COLLEGE

TELEPHONE: (609) 586-4800

1200 Old York Rd.

May 14, 1974

*C. L. M. b/c*  
Stanley Kruger  
Case Analyst  
U.S. Department of Justice  
Washington, D.C. 20537

May 21 1974  
U.S. BOARD OF PAROLE

Re: Leonard Shelton  
Fed. No. 34195-133  
State No. N.J. S.P. 51241  
Leesburg State Prison, N.J.

Dear Mr. Kruger,

Mr. Shelton is a full time student in Mercer Community College Prison Education Program. He is a Community Service major and is presently doing well in all his classes.

In all counseling sessions, Leonard has been friendly and cooperative. He shows high initiative and motivation and fine academic functioning. He is a member of the Student Advisory Board and Co-founder of Phi Gamma Fraternity.

Enclosed is to find a copy of Leonard's transcript. I predict continued success for Leonard.

Sincerely,

*William Edwards*

William Edwards  
Counselor  
Prison Education Network

R

EXHIBIT F(16)

August 22, 1974

Leonard Shelton  
State Prison  
Leesburg, New Jersey 08327

Dear Mr. Shelton:

Our file indicates that your next scheduled review is in January 1975. Unless we are in receipt of new significant information, we plan to review you again in January, 1975.

Sincerely,

John Sicoli  
Senior Analyst

JS/slp

S

EXHIBIT F(14)

J. T-12/14 K  
get 8/22/74

NOTICE

NOTICE

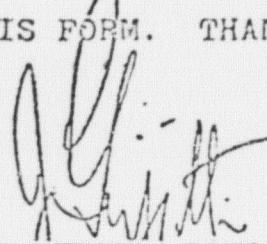
NOTICE

NOTICE

IF YOU HAVE COMPLETED 2 YEARS OF COLLEGE AND ARE ELIGIBLE FOR FULL MINIMUM CUSTODY, YOU MAY APPLY FOR CONSIDERATION FOR THE STUDY RELEASE PROGRAM FOR SPRING 1975.

IN THE EVENT YOU ARE INTERESTED, PLEASE COMPLETE THE FORM BELOW AND MAIL IT TO ME. EVEN IF YOU HAVE ALREADY APPLIED, I REQUEST THAT YOU RETURN THIS FORM.

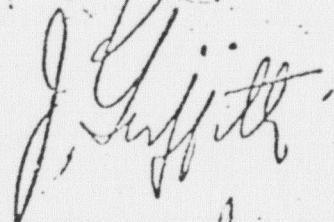
WE CANNOT GUARANTEE AT THIS TIME WHAT THE PROGRAM WILL BE. HOWEVER, WE WOULD LIKE TO KNOW JUST WHO IS INTERESTED-- HENCE MY REQUEST TO COMPLETE THIS FORM. THANK YOU.



---

J. Griffith, Supervisor  
Education Department

Except for the detainee, Shelton would  
be eligible to be considered for  
full minimum & participation in  
this Study Release program.

  
J. Griffith

T

MERCER COUNTY



COMMUNITY COLLEGE

P.O. BOX B  
TRENTON, NEW JERSEY 08690

TELEPHONE: (609) 556-4800

1200 OLD TRENTON ROAD

September 3, 1975

United States Parole Board  
c/o Leonard Shelton 51241  
E Unit  
Leesburg, New Jersey

RE: Leonard Shelton

Dear Sir:

Mr. Shelton has requested that I provide a summary of his academic achievement while incarcerated. He recently completed requirements for a community college degree in the area of Community Services. As you know, this requires a great deal of application by the student in a prison setting. He must work, maintain a behavioral record that permits him to attend classes and study in an anti-school environment. Mr. Shelton did all of these things and because of a change in the college servicing Leesburg State Prison, he had to initiate a proper scheduling for himself as well.

He also maintained a 2.80 average with a marked improvement in grades after his initial semesters. For instance, his grades for the last two semesters with our program were 3.67 and 4.0 respectively. I know Mr. Shelton and my experience with him indicates a concern for achieving long-range goals.

If you wish to verify or to add to information in this letter, please contact me.

Sincerely,

Dr. Gregory O. Gagnon, Director  
Prison Education Network

COG: tg

## MERCER COUNTY



## COMMUNITY COLLEGE

P.O. BOX B  
TRENTON, NEW JERSEY 08690

TELEPHONE: (609) 586-4600

1200 OLD TRENTON ROAD

October 30, 1975

Ms. Phyllis Bamberger  
Legal Aid - Federal Defender  
Room 509  
U.S. Court House - Foley Square  
New York, New York 10007

Dear Ms. Bamberger:

This letter is written to elaborate on my letter of September 3rd referring to Leonard Shelton and to augment the conversation we had on October 30, 1975.

Completion of an associate's degree by any man who is incarcerated is an outstanding achievement requiring intelligence and perseverance beyond that required in the Free World. Students rarely get academic counseling from their teachers, have inadequate libraries and are generally unable to avail themselves of assistance from each other. Needless to say, the academic support services common to colleges today are unavailable. As a rule of thumb, I estimate that a "B" average "inside" is about as hard to obtain as an "A" average is "outside."

This difficulty is a major factor in the PEN drop-out rate of about 45% each semester. On the other hand, students who have the motivation to make the requisite sacrifices tend to do well in the prisons and after release. PEN graduates have a recidivism rate of less than 20% (half of these are P.V.s, not new offenses). On the positive side, the most recent study of our released graduates indicates that 31% are attending four-year colleges and 25% are employed in fields directly related to their degrees.

As I indicated, it is probable that Mr. Shelton was denied admission to a study-release program because of the federal detainer. Men with detainees are not eligible for release programs. In every other area, Mr. Shelton would have been eligible for study-release: academic achievement, institutional record, acceptability to a four-year program.

If I may be of any assistance in this matter, please do not hesitate to call upon me.

Sincerely,

Gregory G. Carson  
Prison Education Network



NAME SHELTON LEONARD SOCIAL SECURITY NO. 888-85-1241 HIGH SCHOOL

888-855-1261 HIGH SCHOOL

WAGNER & CO., P. O. 1, TEEFSBURG, N.J.

ADVOCACY IN THE BAN

ENTERED STATUS: **ON-SITE** BY DATE: **2018-01-18**

ASSOCIATE IN SCIENCE  
JUNE 1975

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CONTINUOUS CLOUD COMPUTING

DISCUSSIONS ON THE CONSTITUTION

卷之三

卷之三

INDIA

卷之三

SPEECH	ST 101	B	
PHYS FIT CONCEPTS	PE 110	A	
AMERICAN LIT I	EG 205	A	
U.S. HISTORY I	HY 105	C	
FREE ELECTIVE: MULTI MEDIA COMM	CO 111	A	
FREE ELECTIVE: INTRO TO SOC WELFARE	SO 209	B	
TOTAL TRANSFER CREDITS			
			2.
			NEW CUMULATIVE

卷之三

CHINE INITIATION AS OF JUNE 1913 - Initiating Achievement(4)(33-1);  
D-Above Average Achievement(3)(39-5); C-Average Achievement(2)(37-5); B-Satisfactory Achievement(1)(35-5); F-Below Average Achievement(0)(34-5); No Credit(C)-Grade; Additional grades or did not satisfactorily complete the course work or transfer after the allotted time(see V)  
S-Satisfactory (Applicable to romantic, private, or certain vocational courses only); N-Neither Officially D-D, nor letter grade and will indicate an official letter grade, subject to improvement within one year.

**NEW GRADE KEY AS OF 1967** A-Excellent; B-Very Good; C-Good; D-Poor; F-Fail; I-Incomplete (becomes F if no removal of failing grade is requested); DR-drawn/no evaluation on transcriptable through and taught areas of the course; W-Withdrew; F-Failed; G-Grade given after withdrawal; H-(applicable after the fourth week of the semester) Ws-Written Exams Failed; Gs-Grades Failed; I-Incomplete Failed; DR-Drawn Failed; Hs-Homework Failed; Gs-Grades Failed; I-Incomplete Failed; DR-Drawn Failed; I-Courses only; U-Unsatisfactory (applicable to remedial and preparatory courses only); A-Applies to certain extension courses or in R-Selected courses.

Name: Shelton, Leonard  
Address: Leesburg State Prison  
Leesburg, NJ  
Parents:

DOB:

Entered from  
with following credits:

English  
Natural Science

Foreign Language  
Social Science

Mathematics  
Electives

Curriculum:

Degree

Awarded

No	Title	Gr	Hr	GP	No	Title	Gr	Hr
	FALL		Sem	19.71-75				
O 209	Introd. to Soc. Welf.	B	3	9				
I 201	U. S. History	C	3	6				
W 210	Amer. Lit.	A	3	12				
O 111	Multi-Media Comm.	A	1	4				
E 113	Hen. in the Comm.	A	2	8				
P 203	Eff. Speech	B	3	9				
Cumulative:		15	48	Avg	3.20			
Current:		15	48	Avg	3.20			

Grading System: A [Excellent] B [Good] C [Average] D [Passing]  
F [Failure] I [Incomplete] W [Withdrawal]  
WP [Withdrawal Passing] WF [Withdrawal Failing]  
X [Dropped w/o Penalty]

A credit hour is a minimum of 1 class hour or 2-3 laboratory hours  
weekly, for a semester of 15-16 weeks, including examination period.

Student entitled to honorable dismissal unless otherwise indicated.

Official:

*Abbie V. H.*

Date: March 4, 1975

Registrar

DEC 12 1975

S. D. OF N.Y.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----  
LEONARD SHELTON,

Petitioner,

-against-

LARRY TAYLOR, Warden,  
Metropolitan Correctional Center,  
150 Park Row, New York City; and

MAURICE SIEGLER, Chairman,  
United States Board of Parole,

Respondents.

AFFIDAVIT

75 Civ. 5121 WK

-----  
STATE OF NEW YORK      }  
COUNTY OF NEW YORK    } ss.:

LEONARD SHELTON, being duly sworn, deposes and says:

I am the petitioner in the above-captioned action, and I make this affidavit in support of a petition for writ of habeas corpus.

While I was released on Federal parole, I committed a new crime, a robbery of an A&P supermarket in Orange, New Jersey. The circumstances relating to that crime were that I had previously borrowed money from some men who demanded full re-payment at the end of six weeks. At that time I had only part of the money I owed these men, and was therefore not able to pay back all the money immediately. I told the men this, but they wanted their money right then. They pistolwhipped me, injuring my head. I was treated at Orange Memorial Hospital as a result of the incident, receiving stitches for my head wounds.

I knew I had to get the money. As a result, I committed the robbery, using an inoperative replica of a gun.

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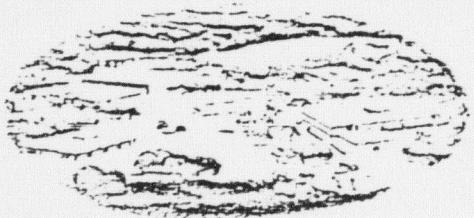
LEONARD SHELTON

Sworn to before me this  
2<sup>nd</sup> day of December 1975

*Leonard Shelton*  
Notary Public

DEPARTMENT OF THE ATTORNEY GENERAL  
STATE OF CALIFORNIA  
NOTARY PUBLIC INVESTIGATOR

BEST COPY AVAILABLE



CUMBERLAND COUNTY COLLEGE  
P. O. BOX 517 • VINELAND, N. J. • 08360

October 22, 1975

U.S. Parole Board  
New York, New York

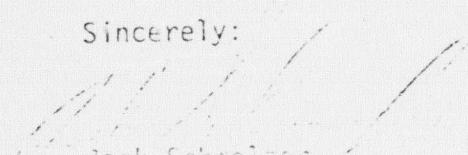
Gentleman:

Leonard Shelton 34195 was a student at Mercer County Community College during 1973-1974 and at Cumberland County College during 1974-1975, while at Leesburg State Prison. He maintained a B+ average at Cumberland County College during Fall 1974-1975. He earned an A while he was in my General Psychology course during the Fall of 1973 when I was teaching for Mercer County Community College.

Mr. Shelton always demonstrated a positive attitude in my presence. He was completely cooperative in the academic program and earnestly tried to improve his academic knowledge. He reflected an improved self-concept and serious motivation in his educational efforts culminating in an Associate in Science Degree in Community Services.

Considering all of these factors, as well as my observation of Mr. Shelton outside of the classroom, I believe Mr. Leonard Shelton is now ready for society.

Sincerely:

  
Jack Schneiger  
Coordinator CCP Campus

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
LEONARD SHELTON,

Petitioner, : 44/919

- against - :

LARRY TAYLOR, Warden,  
Metropolitan Correctional Center,  
150 Park Row, New York City; and

MEMORANDUM AND ORDER

75 Civ. 5121

MAURICE SIEGLER, Chairman,  
United States Board of Parole,

Respondents.

-----x  
KNAPP, D.J.

Leonard Shelton brought this petition for a writ of habeas corpus in this court pursuant to 18 U.S.C. §2241 challenging the validity of a detainer that had been lodged against him by the United States Board of Parole while he was incarcerated in the New Jersey State Prison. The detainer was lodged as a result of Shelton's having pled guilty to a felony in New Jersey Superior Court while he was on parole from a sentence imposed following his conviction in the United States District Court for the District of New Jersey. Shelton filed this petition while in federal custody at the Metropolitan Correctional Center shortly after being released to the Parole Board by the New Jersey prison authorities.

MICROFILM

AUG 6 1971

We held a hearing at which we directed the Parole Board to grant Shelton an immediate hearing on his parole status. Shortly thereafter the Parole Board released him from custody, but continued him on parole without giving him credit for the time he served in New Jersey state custody.

Shelton challenges the Parole Board's policy of filing detainers on parolees imprisoned for state offenses but refusing to hold hearings to decide whether or not the prisoners' parole should be revoked until after the state sentence has been completed. Shelton claims that this policy inevitably results in the parolees' receiving no credit for the time spent in state custody towards any federal parole violator sentence imposed and that this policy denies him the due process rights guaranteed in Morrissey v. Brewer (1972) 408 U.S. 471. Shelton claims that the federal detainer caused him to be denied access to certain New Jersey state rehabilitative programs which would otherwise have been available to him, a "grievous loss". He asks that we direct the Parole Board to give him credit for time he has already spent serving his New Jersey sentence so that in effect his federal parole violator sentence will be deemed to have run concurrent to his state sentence.

We agree with those counts which have criticized the Parole Board policy challenged here. Jones v. Johnston (3/23/76 D.C. Cir.) No. 74-1517 \_\_\_\_\_ F.2d \_\_\_\_\_, U.S. ex rel Hahn v. Revis (7th Cir. 1975) 520 F.2d 632. (mandate withdrawn). But see Gaddy v. Michael (4th Cir. 1975) 519 F.2d 699; Moody v. Daggett (10th Cir. May 7, 1975) No. 75-1199, cert. granted March 1, 1976 44 U.S.L.W. 3493 \_\_\_\_\_ U.S. \_\_\_\_\_. We find, however, that we are unable to

grant the relief requested because we have no jurisdiction pursuant to 18 U.S.C. §2241 over the detainer in question or its consequences. Any challenge to the detainer, we believe, must be brought in the United States District Court in New Jersey - the district where the detainer was lodged and where the original federal sentence was  
3/  
imposed.

Accordingly, we must deny Shelton's request for relief and dismiss the petition.

SO ORDERED.

Dated: New York, New York  
August 3, 1976.

  
WHITMAN KNAPP, U.S.D.J.

FOOTNOTES

1/

The government contends that this result is not inevitable claiming that the Parole Board has power to impose the parole violator sentence retroactively and thus can give credit for time served in state prison. Pointing to the parole regulations, Shelton disputes this contention. We find it unnecessary to resolve this dispute, although we note that the government has not shown us a single instance in which the Parole Board has in fact imposed a parole violator sentence retroactively.

2/

Shelton asks us to compute the amount of time for which he should be credited variously according to three different theories of relief. In view of our conclusion that we have no power to grant any relief we do not decide how the time should be computed.

3/

Shelton did in fact file a petition for writ of habeas corpus in the United States District Court for the District of New Jersey in October, 1974. That court had not rendered its decision by late October, 1975 when Shelton was first before us. However, on June 17, 1975, in an unreported decision, the Third Circuit held that the Parole Board policy in question here is not invalid. Orr v. Saxbe No. 75-1042.

I certify<sup>6</sup>  
Copy has been  
sent this date  
on the USA Today  
by mail  
Randy G. Lee  
Bever  
11/26/76.